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SUMMARY RECORD OF THE 1303rd MEETING

Held at Headquarters, New York,
on Monday, 28 March 1994, at 3 p.m.

Chairman: Mr. ANDO

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Third periodic report of Mexico (continued) (CCPR/C/76/Add.2)

1. At the invitation of the Chairman, Mr. Gonzalez Felix, Mr. Collado Martinez, Mr. Carillo Poblano and Ms. Flores Liera took places at the Committee table.

2. Mrs. EVATT said that the Committee would welcome additional information cn the ongoing reform of the political system in Mexico. Recent events in that country had revealed a lack of confidence in the electoral process, and she wondered what steps were being taken to ensure that representatives were elected in accordance with the freely expressed will of the electors, as provided for in article 25 of the Covenant. In view of the repeated allegations of electoral fraud, the Government of Mexico should consider inviting independent observers to monitor the forthcoming elections.

3. She was also concerned about the reported lack of special representation of the indigenous minority in the Government, and wished to know what was being done to ensure its participation in local and national elections.

4. She also sought clarification as to whether, under the current electoral system, a person who was not a member of a recognized party could be elected to national office.

5. On the question of the land rights of the indigenous population, it would be interesting to learn how the land-use rights of that population had been affected by the recent amendment to article 27 of the national Constitution. Given the close link between the use of the land and the cultural practices of the indigenous community, moreover, she also wished to know whether, in accordance with article 27 of the Covenant, the indigenous population had been invited to participate in the review process which had culminated in the constitutional amendment.

6. Recent events in Mexico had raised doubts about the effectiveness of the mechanisms currently in place to prevent human rights abuses and to resolve the underlying problems that caused them. There had been complaints, for example, about the slow working of the justice system in disputes over land. She wished to know what specific steps had been taken to resolve the problem of displaced persons, which had been reported by Amnesty International, and to prevent its recurrence.

7. Mr. SADI asked whether the fact that several of the representatives of Mexico had dealt with both human rights problems and the problem of narcotics meant that the Government of Mexico perceived a link between the two issues.

8. The Committee would be interested to know the extent to which the Mexican Government saw the Covenant as being relevant to its current modernization programme. He noted the statement that the Covenant was never invoked in

national courts, and wondered whether that situation was due to the Government's failure to promote public awareness of the instrument.

9. He would welcome additional information on street children in Mexico and on the underlying causes of that phenomenon. He noted that the problem seemed to be growing, despite the measures taken by the Government. Information on the related phenomena of child prostitution and the use of children's organs for transplants would also be welcome. He also wished to know whether medical clinics in Mexico engaged in practices to determine the gender of children and whether such practices were regulated by the Government.

10. He would welcome clarification of the statement in paragraph 367 of the report that juveniles under the age of 18 years could not be prosecuted. It was not clear to him how the State would deal with the crime of an offender who was 17 years old, for example.

11. Mr. EL-SHAFEI expressed concern over the Mexican Government's view contained in paragraph 81 of its report that international concern about human rights violations in that country constituted interference in the internal affairs of Mexico and ran counter to the principles of non-intervention and respect for State sovereignty. He preferred to think that that statement was the result of infelicitous drafting by the authors of the report rather than the considered view of the Government of Mexico.

12. He was also disturbed by the implication in paragraph 35 of the report that political parties, trade unions, business associations, churches, peasants, rural and urban organizations and indigenous communities were somehow not part of the "Mexican State". A State was in fact comprised of such organizations, and to suggest otherwise merely reinforced the perception of the permanent nature of the power held by the ruling group.

13. He would welcome clarification of the mandate of the National Human Rights Commission (CNDH) and the precise scope of its authority.

14. With reference to article 25 of the Covenant, which dealt with the question of elections and universal suffrage, he wondered why the Government of Mexico felt it necessary to institute reforms if it considered that the current electoral system was compatible with article 25 of the Covenant.

15. With reference to article 27 of the Covenant, the Committee would be interested to learn of the efforts being made to make the national legal system more responsive to the needs of the indigenous community.

16. Mrs. HIGGINS said that she was impressed by the seriousness with which Mexico took its reporting obligations and the candour and realism with which it shared its problems and shortcomings. The third periodic report referred to previously asked questions and provided excellent answers to the new list of questions. Against that background, therefore, the reference to "interference in the internal affairs of States under the pretext of protecting human rights" in paragraph 81 of the report was most unfortunate. Human rights and sovereignty were not partners. The former were the rights of peoples and not of Governments and were thus the legitimate concern of the international community. Governments were in fact but the servants of the people.

(Mrs. Higgins)

17. She expressed concern that the National Human Rights Commission's links to the executive branch might compromise its effectiveness, and noted that the Commission's mandate was limited and its recommendations not always implemented. While the Commission discharged its mandate with vigour, that very vigour might have the unintended effect of discouraging recourse to the regular judicial channels for the prosecution of human rights abuses.

18. The Committee would welcome further information on the penal action that had been taken against public servants in Mexico, and in particular whether that action had merely been initiated or whether the public servants in question had already been convicted.

19. On the question of electoral reform, it would be useful to learn how the members of the federal agency responsible for electoral reform were selected and what action had been taken following the threats made against members of the opposition. She expressed concern at the transfer of financial resources by the Government to certain regions during the pre-election period. Such transfers were likely to make voters favourably disposed to the party that effected the transfers.

20. Mr. POCAR welcomed the improvements that had taken place in Mexico in the areas of protection of human rights and the practical application of the law since the submission of the second periodic report. In that connection, it would be useful to know how effective were the activities of the National Human Rights Commission and what was the practical relationship between the Commission and the judiciary.

21. He expressed surprise that a state of emergency had not been declared following the events in Chiapas. While, in time of public emergency, article 4 of the Covenant permitted States to derogate from certain of their human rights obligations, including freedom of movement, and allowed national authorities greater powers of search and arrest and detention incommunicado, such derogations must follow the official proclamation of a state of emergency. Furthermore, the application of emergency measures must not involve discrimination solely on the ground of such considerations as race, colour or language. There had been numerous reports that, following the Chiapas uprising, emergency measures had been applied disproportionately to the indigenous community. He would therefore welcome information on the steps that had been taken to safeguard the human rights of individuals, especially those of the indigenous population, following the events in Chiapas.

22. Mr. LALLAH said that the perspective from which paragraph 81 of the report had been drafted was incorrect but that the damage had been repaired to some extent by the Mexican Government's reaffirmation in paragraph 83 of its belief that it was through international cooperation and observance of the purposes and principles of the Charter that respect for human rights might be encouraged at the international level.

23. On the question of elections, which was the subject of article 25 of the Covenant, additional details would be welcome on the register of electors, the qualification of electors, the percentage of the voting-age population included in the electoral list and the percentage of the electorate which actually took part in elections.

(Mr. Lallah)

24. With respect to 1 (i) of the list of issues, there was a tendency to confuse non-discrimination with the exercise of minority rights. The real question, however, was the extent to which Mexican society respected the rights of minorities and the degree to which that respect was reflected in the participation of minorities in public affairs.

25. Mr. FRANCIS asked, with reference to the problem of street children, whether there were youth programmes at the federal and state levels to take care of older homeless young people and adults.

26. Mr. WENNERGREN recalled that, when presenting the second periodic report, the Mexican representatives had said that neither the Covenant nor any other international instrument could have been ratified if it had been in conflict with Mexico's Constitution. He wondered whether that had perhaps created a legal presumption that the Constitution and the existing federal legislation sufficed because of their compliance with the Covenant, so that no effort had been made to look into any possible lacunae or to invoke the Covenant before the courts.

27. Speaking from his own experience as Swedish ombudsman, he would also like to know whether the National Human Rights Commission (CNDH) was at all hampered in its investigations by its position outside the regular structures of Government: could it, for instance, call on the police and other authorities to help it investigate? Specific examples would be appreciated.

28. Mr. GONZALEZ FELIX (Mexico) said that it had indeed been a problem to decide with which of the three branches of Government in Mexico CNDH should be affiliated. It had been attached to the Office of the Chief Executive as a government body. It had very broad powers of investigation, and one advantage of the link with the executive branch was that it could directly reach heads of departments, who, under the Responsibility of Public Officials Act, must respond under penalty of dismissal. CNDH consequently had no problem in getting information or assistance.

29. The Commission, after investigating, made recommendations that were then made public. It therefore acted as a moral force in the country, and there was growing recognition of its importance. In a recent period, for instance, out of 653 CNDH recommendations, 13 had not been approved by the authorities, 307 had been approved and fully implemented, 326 had been approved and partly implemented, 5 had been approved but no proof had been supplied of their implementation, and 2 had been complied with unsatisfactorily.

30. The Office of the Attorney General had established a department specifically to ensure compliance with CNDH recommendations. It had been felt in Mexico, however, that if the National Human Rights Commission was officially tied to the judicial branch, conflicts would arise. Thus, in answer to Mrs. Higgins' question, the link between CNDH action and court action in criminal matters was not as yet very clear. In cases of torture, for instance, or compensation for injury, the regular authorities, on the Commission's recommendation, brought an action before the penal authorities.

31. As to the de jure and de facto situation with regard to human rights, it was true that poverty, backwardness and the situation of the indigenous people

(Mr. Gonzalez Felix, Mexico)

all impeded the implementation of human rights legislation. However, complaints had diminished markedly thanks to police action and investigations prompted by the firm position taken by the Government. Drug trafficking was not an obstacle to the observance of human rights. Some constitutional changes had been made to facilitate the prosecution of drug traffickers, and the Ministry of Foreign Affairs also dealt with the drug problem, but separately from the human rights issue.

32. Regarding Mexico's publicizing of its periodic reports, it was customary for the Ministry of Foreign Affairs to meet with non-governmental organizations in the country whenever a delegation was scheduled to attend an international human rights event or present a report before a human rights body, and to issue press communiqués after the event. Its periodic reports to the Committee were not published as such by the Government, but they were widely circulated after the United Nations had issued them.

33. On the matter of the position taken in paragraph 81 of the report regarding interference in the internal affairs of States under the pretext of protecting human rights, his Government fully understood that the protection of human rights was part of its international obligations, and international cooperation on human rights was a government policy. Mexico worked with the human rights bodies of the United Nations and other international human rights organs, including the Inter-American Commission on Human Rights. The Government was simply sceptical when the issue of human rights was brought up in respect of certain internal issues.

34. With regard to humanitarian activities, Mexico had supported the interventions in Bosnia and Somalia. It did, however, agree with the position of the Secretary-General of the United Nations himself that both human rights and State sovereignty must be protected.

35. Mr. COLLADO MARTINEZ (Mexico), responding to questions on electoral issues, said that the "ability to govern" clause (para. 18 of the report) regulating election to the Chamber of Deputies had been repealed in the legislative reform of 1993. In 1989, however, that provision, as detailed in the report, had been in effect, and it had been drafted because of concern about the proper functioning of the Chamber of Deputies, which needed not only to reflect as fairly and as representatively as possible the political forces in a pluralist society, but also to take decisions, pass legislation and generally fulfil its representative functions. It had been felt at the time that could best be done by strengthening the hand of the majority party. It should be noted, however, that there had never been an opportunity to apply the clause in question because the proportion of votes obtained by the majority party in the 1991 election (over 60 per cent) far exceeded the 35 per cent that would have brought the machinery of the clause into effect. Following the 1993 reform, the provisions of sections I and II of article 54 of the Constitution (outlined in paras. 13 and 14 of the report) remained unchanged; but section III of article 54, as now amended, provided that any political party that met the requirements of sections I and II was entitled to have, in addition to the candidates elected as a result of its relative-majority share of the vote, a given number of deputies, chosen according to rank, from its regional list of candidates in the multinominal electoral districts, the number to be determined on the basis of its relative standing in the national election. Under the other amendments to

(Mr. Collado Martinez, Mexico)

article 54, no political party could now have more than 315 deputies elected according to the two principles, as against the maximum of 350 under the old Constitution (para. 16 of the report). That change was significant because any future constitutional amendments could be adopted only with the approval of 333 deputies, thus henceforth requiring the support of minority political parties.

36. Concerning the rules for election to the Senate, before the 1993 reform the Senate had been composed of officials elected solely by relative majority and not by proportional representation, thus ensuring that only one party controlled all seats in the Senate. The new rules, by assigning three Senate seats on the basis of relative majority and one Senate seat to the party with the next highest share of the vote, gave smaller parties and political groupings a greater voice in the Government. Senators could not be elected solely on proportional grounds as in the Chamber of Deputies because membership in the Senate was limited to the 32 federative entities that made up the Federation of Mexican States.

37. On the question of how Mexico's electoral laws were being implemented, he said that general elections would be held on 21 August 1994 to elect a President, senators and deputies. Great efforts were being made by the Government, the electoral authorities, the political parties and citizens in general to ensure that the elections would be fully democratic, authentic and competitive. To that end it was necessary to draw up a reliable and complete electoral list; to ensure the impartiality of the electoral authorities in the performance of their functions; to establish conditions of equality between the competing political parties; and to safeguard the freedom to vote. Work on the electoral list had been started in 1990 by the Federal Election Commission; the process had involved census visits to sixteen and a half million households. The list was now being updated and verified, using information received from various bodies including the civil registry, in respect of the legal status of citizens, legal bodies, and the Secretariat of Foreign Relations, in respect of the suspension of political rights or loss of nationality in certain cases. Some 45 million people were registered on the list, of whom 42 million had already been issued with voter identification cards. Registration had ended on 28 February 1994 but the process of issuing cards would continue until 17 July 1994. The list had been prepared in record time, and significant human and material resources had been required.

38. For the first time, limits had been placed on the campaign spending of political parties so as to ensure equality between the competing parties. Those limits had been determined by the General Council of the Federal Electoral Institute in January and February 1994. Efforts were also being made to ensure equal access of political parties to the communications media, particularly radio and television.

39. On the question as to why so many reforms were being carried out if the electoral system already accorded with article 25 of the Covenant, he said that many countries which were regarded as democratic carried out electoral reforms and no one suggested that they were not complying with the fundamental principles of the Covenant. His Government believed that the electoral system needed constant adjustment, even though the major characteristics of a democratic system were already in place. Furthermore, electoral and political reforms was a cumulative process, covering different areas. In 1953, women had

(Mr. Collado Martinez, Mexico)

been accorded suffrage; in 1963, the Chamber of Deputies had been opened to parties other than the majority party; in 1970, the voting age had been lowered to 18; in 1977, proportional representation had been introduced in the Chamber of Deputies; and in 1993, electoral reforms had been introduced.

40. Mr. CARILLO POBLANO (Mexico) said that in response to the question as to how the Mexican electoral authority functioned, a set of documents would be provided to members of the Committee to supplement the information provided in the report. The new information referred to the basic characteristics of the Mexican electoral system, the functions of the Federal Electoral Institute, the background to the electoral reforms of 1993, the stages of the electoral process of the current year leading up to the general elections in August 1994, and the Pact for Peace, Justice and Democracy signed by the Mexican political parties in 1993.

41. From 1946 to 1990, the electoral authority had been part of the Ministry of the Interior; the Federal Electoral Institute, established in 1990, was a permanent autonomous body, independent in the management of its resources and administration. It consisted of managerial bodies, technical and executive bodies and monitoring bodies at three levels; the national level (the General Council of the Institute); the state level (local councils in the 31 federal entities); and the district level (district councils in the 300 electoral districts). There were also 100,000 polling stations.

42. It should be noted that citizens and political parties participated at all levels of electoral organization. Electoral monitoring was carried out by national observers, but the possibility of some kind of international monitoring was being considered; the political parties would determine the characteristics and scope of such monitoring.

43. With regard to the voting rights of the Catholic clergy, article 130 of the Constitution was being amended to allow for the possibility of "active" or "passive" voting by such persons.

44. Political parties which won less than 1.5 per cent of the vote in an election were able to re-register; however, if they won less than 1.5 per cent of the vote in a second election, they were not able to do so.

45. Information on electoral issues was being disseminated through electoral bodies, the communications media, non-governmental organizations and academic and research institutes in Mexico and abroad.

46. Mr. GONZALEZ FELIX (Mexico), referring to the questions about the situation in Chiapas, said that with regard to the state of emergency, his Government had not found it necessary to suspend individual guarantees; 140 non-governmental organizations had visited Chiapas and that would not have been possible if individual guarantees had been suspended. Full freedom of movement had been maintained at all times, and persons wishing to pass through conflict zones had done so at their own risk.

47. An investigation had been conducted by the National Human Rights Commission regarding respect for human rights in Chiapas and a preliminary report issued on 22 February 1994, had referred to specific cases in which there could have been

(Mr. Gonzalez Felix, Mexico)

human rights violations; it had been found that 23 people had disappeared and 70 of 100 detained persons could have been subjected to maltreatment; cases in which summary executions might have occurred were being investigated by civilian and military authorities. It was hoped that a further report would be issued soon on the progress of investigations and on specific action taken. The results of the investigation had been made available to the public and to Mexican and foreign non-governmental organizations.

48. In a military situation there was provision under Mexican law for persons to be arrested and brought before the authorities; care had been taken to ensure that human rights violations had not occurred.

49. With regard to the indigenous populations, one of the results of the Chiapas negotiation had been the promulgation of a law regulating article 4 of the Constitution, which would be a general law for indigenous populations. At the same time, a special commission on development and social justice for indigenous peoples had been established; one of its specific tasks was to ensure that the agreements benefiting the indigenous population in Chiapas were extended to other areas of Mexico.

50. On the question of whether there had been discrimination in Chiapas, he noted that the groups and communities in the uprising had basically been indigenous communities, so that there had been no discrimination within the movement itself. The uprising could have been the result of backwardness or neglect of the indigenous population, but was not a discriminatory situation. With regard to the treatment of indigenous minorities, one of the objectives of the new commission was to promote the participation of indigenous peoples and to ensure that there was no discrimination against them; indigenous peoples were not treated as minorities because they constituted the roots of the Mexican people.

51. With regard to land ownership, article 27 of the Constitution had been amended over the past five years; since the privatization of land could have serious repercussions in the case of lands belonging to the indigenous populations, article 27 now included a specific mechanism to protect such lands of indigenous populations; his Government was very concerned that that article should not be implemented to the detriment of those peoples.

52. Ms. FLORES LIERA (Mexico), referring to the questions about women's rights in Mexico, said that Mexico was party to many international conventions at the international level, within the United Nations, and at the regional level, within the Organization of American States (OAS); it had been a party to the Convention on the Elimination of All Forms of Discrimination against Women since September 1981. At the domestic level, the legal equality of men and women was recognized under the Constitution. Special legal protection was provided to women in the area of criminal legislation in respect of sex crimes; in the area of labour legislation, working mothers were accorded certain rights during the pre- and post-partum periods, including the right to return to the same position with the same salary. Day-care facilities were available for working mothers. In the area of civil law, there were provisions to protect women while maintaining the legal equality of men and women, including the right to alimony, the right to make contracts, and the right to decide on the education of their children and to determine the apportionment of conjugal property.

(Ms. Flores Liera, Mexico)

53. Juvenile offenders had criminal responsibility; cases involving juveniles were referred to juvenile councils and the penalties ranged from warnings to assignment to special institutions.

54. Mr. GONZALEZ FELIX (Mexico), referring to the question of why the Covenant was not quoted in Mexican courts, said that it was common for non-governmental organizations and human rights groups in Mexico to quote directly from the Covenant in communications to United Nations and OAS bodies. Under article 133 of the Constitution, the Supreme Court of Justice was able to consider cases relating to international treaties. His Government was trying to bring about greater dissemination of the Covenant and to ensure that it was used by members of the legal profession.

55. On the question of whether the Covenant provided a framework for the modernization process in Mexico, he said that although Mexico had made a reservation to the Covenant relating to the political rights of Catholic clergy, constitutional changes had been made and the possibility of removing that reservation was being considered; such efforts aimed to harmonize national legislation more closely with the requirements of the Covenant.

56. The problem of child prostitution arose not so much within Mexico as between Mexico and foreign countries; in such situations, his Government would be the first to refer to the requirements of the Covenant. His Government was very concerned about child prostitution and traffic in children's body parts; no allegations had been proved, but various legislative and judicial bodies were working on such problems. The problem of genetic manipulation was unknown in Mexico. There were programmes to deal with the problem of street children; his Government was developing systems of prevention through diagnosis of the situation and the adoption of effective measures.

57. He had information about the case of Mr. Madrigal in a communication from the National Human Rights Commission; on 13 September 1992, Mr. Madrigal had made a complaint of arrest and torture by the judicial police of the Federal District; a preliminary investigation had been initiated, but so far Mr. Madrigal had not provided information to enable the investigation to proceed.

Right to life, liberty and security of person, treatment of prisoners and other persons deprived of their liberty, and right to a fair trial (arts. 6, 7, 9, 10 and 14 of the Covenant) (Sect. II of the list of issues)

58. The CHAIRMAN read out section II of the list of issues concerning the third periodic report of Mexico, namely: (a) the reason why no proposal had been put forward with a view to amending article 22 of the Constitution on the death penalty since there seemed to be a clear consensus in favour of abolishing the death penalty which had not been applied since 1929; (b) strict application of steps taken to avoid the recurrence of violations of article 10 of the Constitution and of the Federal Firearms and Explosives Act and its regulatory text by members of the police and the national security forces during the period under review; (c) results obtained by the National Human Rights Commission and the Office of the Attorney General of the Republic in their investigations into cases of disappearance still unsolved as at 31 December 1991; (d) the effect of

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(The Chairman)

the recent events in the Chiapas and other regions on the exercise of the rights guaranteed in articles 7 and 9 of the Covenant; (e) the categories of public servants who had been penalized for committing acts of torture and sanctions taken against them as well as the result of criminal proceedings brought against particular public servants in that connection; (f) information on the respective activities of the "Comite Ciudadano Plural" and of the National Human Rights Commission (CNDH) with regard to the supervision of prisons; (g) action taken on the proposals of the National Human Rights Commission regarding respect for the rights of offenders and their reintegration into society and whether the standard regulations proposed for all prisons in the country had been adopted by the prison administrators; (h) the number of complaints of arbitrary detention lodged since the submission of the report and the investigations, if any, they had given rise to as well as the results of such investigations; and (i) the circumstances under which free legal assistance was provided.

59. Mr. GONZALEZ FELIX (Mexico) said with respect to section II (a) that while abolitionists had succeeded in ensuring that the death penalty was not applied in Mexico, they had been unable to have it deleted from the text of the Constitution. In 1993, a symposium on the death penalty organized by CNDH and the Legal Investigations Institute of the National Autonomous University of Mexico had revealed widespread opposition to the application of that penalty. That outcome, coupled with the powers that the law conferred on CNDH to propose to the country's authorities amendments to legal provisions that it felt would result in better protection of human rights, pointed to the likelihood that an initiative in that area would be submitted for discussion in the future.

60. Concerning section II (b), in the period under review, the Office for the Protection of Human Rights had carried out 3,437 preliminary investigations of complaints of human rights abuses against civil servants on its payroll. As a result of the investigations carried out in 1993, 64 civil servants had been relieved of certain functions, 105 had been dismissed, 86 suspended and 136 reprimanded. During the period November 1988 to December 1993, 28,397 firearms of various calibres and types had been seized in connection with various firearms violations.

61. With respect to section II (c), he said that in order to enable their staff to acquire technical experience in handling investigations, the Office of the Attorney-General of the Republic and CNDH had established an inter-agency group under the control and responsibility of CNDH. The results obtained had been submitted as reports to the May and October 1993 sessions of the United Nations Commission on Human Rights Working Group on Enforced or Involuntary Disappearances held respectively at New York and Geneva. Ninety-eight of the 210 cases reported by the United Nations working group had corresponded to an exceptional situation that had occurred in Mexico as well as in other countries of America, Europe, Asia and Africa during the 1970s and early 1980s. CNDH had carried out various investigations to try to clarify those cases. The activities of the armed guerrilla groups, operating mainly in the state of Guerrerro, had included abductions, assassinations, robberies and frequent skirmishes with the Mexican army. Urban guerrilla activities had occurred in the main cities of the country. Over the past five years, the Working Group had considered 36 cases of alleged disappearances to have been clarified. Eight hundred and nine documented cases had also been submitted to the Working Group, 13 of which were of particular significance.

(Mr. Gonzalez Felix, Mexico)

62. Turing to section II (d), he noted that CNDH had identified some violations of the provisions of articles 7 and 9 of the Covenant. CNDH had taken down the statements of 131 persons detained at the Cerro Hueco Social Readaptation Centre, Tuxtla Gutiérrez, Chiapas, who had also been filmed on video. Their psychological and physical health had been certified. It had also been certified that the wounds of 72 of them were not life-threatening and would heal in less than 15 days. In six cases, the healing time had been put at over 15 days. CNDH found that such persons had been subjected to ill-treatment, and the members of the armed forces and judicial police responsible must therefore be identified. Complaints of ill-treatment submitted to the Commission had also related to other violations such as illegal detention, holding of prisoners incommunicado, false accusation and, in some cases, torture. CNDH was investigating those complaints.

63. Concerning section II (e), since the establishment of CNDH and as a result of recommendations made by it, 1,180 public servants had been penalized - 750 federal civil servants, 410 local civil servants and 20 municipal civil servants. Criminal proceedings had been instituted against 344 of them, 228 had been subjected to preliminary investigations, 75 had been relieved of duties, 153 had been dismissed, 250 suspended, 119 reprimanded and 11 had been fined.

64. Turning to section II (f), he indicated that the Comité Ciudadano Plural, set up in March 1992, had been abolished in early 1993 because its functions duplicated those of CNDH. Instead, a unit had been established to follow up the recommendations of CNDH, which had specific powers to act against justice officials who violated human rights. That unit, was inter alia, responsible for supervising and following up preliminary investigations carried out at the discretion of the deputy prosecutor, gathering information required to follow up the recommendations of CNDH, and informing the deputy prosecutor on progress and the extent of compliance with those recommendations.

65. Where section II (g) was concerned, all the recommendations had been accepted by the appropriate authorities. The extent of compliance varied with the nature of the recommendations since in many cases they related to the building of infrastructure whose costs and times of implementation were such that he could not provide an immediate answer. With regard to section II (h), in the past two years, 14 specific cases of arbitrary detention had been investigated. The investigations had led to specific recommendations by the CNDH to various authorities.

66. Concerning section II (i), free legal assistance was provided to those persons who did not have the means to pay for a private lawyer. While such assistance might be requested voluntarily by those involved in labour and civil cases, it was compulsory in criminal and family cases. The State's corps of defence lawyers, supervised by the Supreme Court of Justice, had provided legal advice in approximately 37,500 cases in 1993. In Mexico, free legal assistance was not provided only through the public defender's offices. There were also offices established by the State to provide assistance and advice in specific areas such as trade union and labour law and family matters. The universities also provided free legal advice to the poor.

The meeting rose at 6 p.m.